

Message Text

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43/14

ACTION EA-14

INFO OCT-01 ISO-00 AID-20 IO-14 OMB-01 CU-04 CCO-00 DRC-01

CIAE-00 DODE-00 AE-00 NSCE-00 SSO-00 USIE-00 INRE-00

PM-07 H*03 INR-10 L-03 NSC-10 PA-04 RSC-01 PRS-01

SPC-03 SS-20 /117 W

----- 041228

O 080811Z JAN 74

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC NIACT IMMEDIATE 1912

INFO AMEMBASSY TOKYO IMMEDIATE

CINCPAC IMMEDIATE

C O N F I D E N T I A L SEOUL 119

C O R R E C T E D C O P Y (TEXT)

E. O. 11652: GDS

TAGS: PINT KS

SUBJECT: ROKG TO TAKE EMERGENCY MEASURES

1. FONMIN CALLED ME IN AT 1415 HOURS TODAY TO
INFORM ME, AS REPRESENTATIVE OF ROK'S "CLOSEST ALLY",
OF ACTION ROKG INTENDED TO TAKE TO DEAL WITH DOMESTIC
POLITICAL UNREST. HE PASSED ME* COPY OF "EMERGENCY
MEASURES NO. 1 AND 2. EMERGENCY MEASURES ARE TAKEN
UNDER ARTICLE 53 OF THE CONSTITUTION AND ESTABLISH
CERTAIN CATEGORIES PROHIBITED ACTIVITIES WHICH WILL
BE SUBJECT TO TRIAL BEFORE NEW EMERGENCY COURTS
MARTIAL. MEASURE NO.1 IS SWEEPING PROHIBITION OF
CRITICISM OF CONSTITUTION AND PROPOSALS OR PETITIONS
FOR CONSTITUTIONAL REPEAL. MEASURE ALSO PROHIBITS
FABRICATION OR DISSEMINATION OF "FALSE RUMORS"
AS WELL AS CRITICISM OF EMERGENCY MEASURES THEMSELVES.
PROVISION RE "FALSE RUMORS" IS OPEN ENDED, NOT TIED TO
CONSTITUTIONAL CRITICISM ALONE. EMERGENCY MEASURE
NO. 2 SETS UP TWO-TIER COURTS MARTIAL SYSTEM FOR
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TRYING AND ADJUDICATING CRIMES COMMITTED UNDER ANY

"PROVISION OF THE EMERGENCY MEASURES." TEXT OF TWO MEASURES BEING TRANSMITTED SEPARATELY.

2. FONMIN KIM SAID PRESIDENT PARK WOULD APPEAR ON RADIO/TV AT 1700 HOURS THIS AFTERNOON TO ANNOUNCE EMERGENCY MEASURES WHICH WILL GO INTO EFFECT FROM THAT TIME. HE SAID SUCH MEASURES ARE NOT RETROACTIVE AND PR*OR ACTIVITIES WILL NOT BE SUBJECT TO EMERGENCY MEASURES.

3. KIM STRESSED THAT MEASURES WERE NOT MARTIAL LAW BUT WERE TAKEN UNDER POWERS GIVEN PRESIDENT UNDER ARTICLE 53 OF THE CONSTITUTION. IN EXPLAINING GOVERNMENT'S ACTION, KIM SAID THAT CONSTITUTION PROVIDED PROPER MEANS FOR AMENDMENT. HOWEVER, GOVERNMENT OPPONENTS WERE ATTEMPTING TO AMEND THE CONSTITUTION BY POLITICAL ACTIONS AND WERE CREATING DISORDER. DESPITE CLEAR PRIOR WARNINGS IN PRIME MINISTER'S TELEVISION SPEECH AND PRESIDENT PARK'S DECEMBER 29TH STATEMENT, THESE ANTI-GOVERNMENT ACTIVITIES WERE "STILL STRENGTHENING" AND WERE CHALLENGING LAW AND ORDER.

4. KIM SAID IN VIEW OF DIALOGUE WITH NORTH KOREA, AND "THE ECONOMIC CRISIS" FACING THE NATION, IT WAS ESSENTIAL TO STABILIZE GOVERNMENTAL ADMINISTRATIVE FUNCTIONS. SAID THE EMERGENCY MEASURES WERE "PREVENTATIVE" IN ORDER TO HEAD OFF MAJOR UNREST LATER. KIM SAID THAT PUBLIC REACTION WOULD DEPEND IN LARGE MEASURE ON HOW DECREES WERE IMPLEMENTED, BUT SAID IN FACT THIS WOULD BE DONE "VERY CAUTIOUSLY AND VERY DECENTLY."

5. KIM SAID HE HOPED I WOULD EXPLAIN TO MY GOVERNMENT THE PRESENT SITUATION AND FACT THAT THE ROKG REALLY NEEDED TO TAKE THIS STEP BECAUSE OF DOMESTIC SITUATION. KIM SAID THAT ACCORDING TO ROK/CIA AND POLICE REPORTS, ANTI-GOVERNMENT GROUPS WERE STRENGTHENING THEIR ORGANIZATION. HE NOTED THAT UNIVERSITY STUDENTS NOW ON VACATION WERE AGITATING THROUGHOUT COUNTRYSIDE AND "INSTIGATING" HIGH SCHOOL STUDENTS.
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6. KIM SAID ROKG WAS NOT ASKING USG SUPPORT BUT EXPECTED THAT IN ITS PUBLIC STATEMENTS USG WOULD INDICATE THAT ROKG ACTION WAS A KOREAN DOMESTIC MATTER ON WHICH IT WOULD NOT COMMENT. KIM HOPED WE WOULD FOLLOW SAME APPROACH AS IN CASE 1973 OCTOBER REVITALIZATION, AVOIDING PUBLIC CRITICISM.

8. GENERAL STILWELL WAS CALLED IN BY MND THIS AFTERNOON AND IS REPORT NG SEPARATELY. MND MADE MANY OF SAME POINTS AS ABOVE AND STRESSED THAT ROK ACTION WAS NOT MARTIAL LAW DECLARATION. MND TOLD GENERAL STILWELL THAT ENFORCEMENT OF EMERGENCY MEASURES WOULD BE IN HANDS OF KNP, AND THAT THERE WOULD BE NO INVOLVEMENT OF ROK ARMED FORCES WITHOUT PRIOR CONSULTATION WITH HIM.

9. APOSTOLIC NUNCIO WAS WAITING TO SEE FONMIN KIM ON MY DEPARTURE. MOFA NOW IN PROCESS OF INFORMING OTHER DIPLOMATIC MISSIONS HERE.

10. COMMENTS WILL FOLLOW.
ERICSON

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